

WILLKIE FARR & GALLAGHER

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October 27, 1998

RECEIVED

OCT 27 1998

Magalie Roman Salas, Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Ex Parte Filing  
CC Docket No. 96-115

Dear Ms. Salas:

On October 21, 1998, White Directory Publishers forwarded a letter to Kathryn C. Brown, Chief, Common Carrier Bureau, and S. Jenell Trigg, Assistant Chief Counsel, Office of Advocacy, U.S. Small Business Administration, regarding assertions made by BellSouth about the source of White Directory's subscriber listings.

Pursuant to the Commission's rules, two (2) copies of this letter are being filed. Please call Michael Finn at (202) 429-4768 or Sophie Keefer at (202) 429-4730 if you have any questions regarding this filing.

Sincerely,

*Sophie J. Keefer*

Michael F. Finn  
Sophie J. Keefer\*

\*Admitted in California only.

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# THE TALKING PHONE BOOK.

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October 21, 1998

Kathryn C. Brown  
Chief, Common Carrier Bureau  
Federal Communications Commission  
Room 500  
1919 M Street, N.W.  
Washington, DC 20554

S. Jenell Trigg  
Assistant Chief Counsel, Telecommunications  
Office of Advocacy  
U. S. Small Business Administration  
409 Third Street, S. W.  
Washington, DC 20416

Dear Ms. Brown and Ms. Trigg:

It has come to the attention of White Directory Publishers that BellSouth has made blatant misrepresentations regarding our company's ability to obtain subscriber list information ("SLI") for publication in our Indian River County directory from sources other than BellSouth. Specifically, BellSouth has alleged that White Directory obtains SLI from sources other than BellSouth. The truth is that all White Directory listings come from BellSouth. Accordingly, I am writing to both impeach their claim and to impugn their motive.

It is our understanding that BellSouth claimed that local exchange carriers ("LECs") are not the sole source for SLI listings, offering as evidence a newspaper advertisement placed by our company, which read in part: "We've updated our listing base more recently than BellSouth. We have over 3,000 updated listings that they don't have." The fact is that all of the listings that appeared in the Indian River County directory were obtained from BellSouth; the timing of their acquisition was what made our product more current, which is precisely what our ad said. White Directory's Indian River directory was more current because it was published some months after BellSouth's book, and not because we obtained SLI from some source other than BellSouth.

The above-referenced ad was one in a series of newspaper and radio ads our company ran in an effort to refute the distortions of fact BellSouth was communicating to our potential customers. (Copies of the newspaper ads and transcripts of the radio ads are attached.)

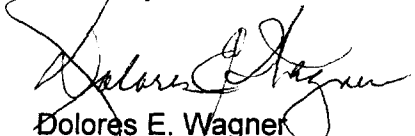
**WHITE DIRECTORY PUBLISHERS, INC.**  
Corporate Office - 1945 Sheridan Drive - Buffalo, New York 14223  
(716) 875-9100  
Fax: (716) 874-4585 EMail: [white@etpb.com](mailto:white@etpb.com) Website: [www.etpb.com](http://www.etpb.com)

It is difficult to believe that BellSouth would extract two sentences from this entire series and then intentionally misrepresent their meaning to you, were it not for the fact that we have encountered this same pattern of deception throughout our competitive history with BellSouth. Further, it would be absolutely incredible for BellSouth to claim that it made its presentation to you unaware of the existence of the rest of the ad series.

In short, White Directory believes BellSouth absolutely has misled the Small Business Administration, Office of Advocacy, and the Federal Communications Commission as to the source of our listings. Our experience has taught us that the LECs are the sole source of SLI.

I would hope that BellSouth would formally retract their statements regarding the source of White Directory's listings and apologize to both agencies for their misrepresentations.

Sincerely,



Dolores E. Wagner  
Corporate Services Manager

cc: Dorothy T. Attwood  
Douglas Galbi  
Jane Jackson  
William A. Kehoe, III  
Frank Lamancusa  
Carol Matthey  
James D. Schlichting  
Larry Strickling  
Ben G. Almond  
Daniel J. Thompson, Jr.  
Terence K. Orman  
Michael F. Finn  
Sophie J. Keefer

## INDIAN RIVER COUNTY BUSINESS COMMUNI

During the past several months we've received numerous reports from local business people and representatives of the BellSouth yellow pages have made inaccurate statements about our company and our Indian River County telephone book. Most of these statements attempt to understate the Directory's circulation numbers, question our secondary distribution procedure, misrepresent billing options, and create doubt about our company's credibility. If these reports are true, it would appear that they may be part of a deliberate campaign to damage our reputation and limit competition in the local yellow page industry. We would like to make the following response:

As BellSouth very well knows, our company is one of the largest and most respected independent publishers in the yellow page industry. We are a 29-year-old family-owned business which currently publishes telephone directories in fourteen cities, four states and two countries. Our company has won more yellow page industry awards than any other publisher in North America, including the "Publisher of the Year" award in 1989 and 1994. We are known for our innovative spirit and customer service orientation.

We print 85,000 copies of our Indian River County Talking Phone Book and we distribute our directory free of charge to every home and business in Indian River County, Micco, Barefoot Bay and Grant.

We deliver our book to all new businesses and residents who move into the area throughout the year.

We offer billing plans which do not require payment prior to publication.

We purchase our listing information from BellSouth under a tariff and we list every single non-confidential residential and business listing in Indian River County in our directory.

If anyone from BellSouth has ever said anything contrary to this to you, they have not told you the truth. The use of disparagement tactics is a typical response of telephone companies when confronted with yellow page competition. Apparently BellSouth is trying to substitute a campaign of innuendoes against our company in place of what they should be doing - lowering their rates and improving their products. Obviously, our entry into the market has caused BellSouth to become very concerned and prompted this reaction.

The reason that BellSouth has resorted to such desperate tactics seems self-evident. The Talking Phone Book is a much better product than their telephone book.

We've updated our listing base more recently than BellSouth. We have over 3,000 updated listings that they don't have. We have many features that they don't have, including larger print, midi directories, process color, a Talking section, and more.

For these reasons our directory is used much more than theirs.

In fact, a recent survey done by Directory Distributing Associates (D.D.A.) confirms that Indian River residents prefer The Talking Phone Book over BellSouth 44% to 23%.


Ironically, Directory Distributing Associates (D.D.A.) is the same company that BellSouth contracts with to distribute their Vero Beach directory. So even a survey conducted by their distribution company says that The Talking Phone Book has greater usage.

We would like everyone in Indian River County to know that no matter how intense the competition between our company and BellSouth gets, we will never resort to disparagement tactics. In our opinion, these tactics are desperate and unethical and reflect poorly on the company which employs them. We prefer to tell you about the good points of our product rather than to cast innuendoes on our competition.

If you have any questions about our company's background or our directory, please contact our local Sebastian office at 388-1255. We would be very happy to provide additional documentation on the points we've raised here.

**THE  TALKING PHONE BOOK**

Sincerely,



Richard D. Lewis  
President  
The Talking Phone Book



# RECYCLE THIS NEWSPAPER

#1  
**A MESSAGE TO INDIAN RIVER COUNTY**  
( 60 SECONDS)

- LM -
- Final
  - Serious Business tone
  - Light music in background
  - Run ASAP 4-5 times per week for next 3w
  - I will confirm schedule

THE TALKING PHONE BOOK HAS A MESSAGE FOR THE INDIAN RIVER COMMUNITY.

WE WOULD LIKE INDIAN RIVER COUNTY TO KNOW THAT THERE IS A NEW AND MORE UP TO DATE TELEPHONE BOOK IN TOWN, THE NEW INDIAN RIVER COUNTY TALKING PHONE BOOK. <sup>21c</sup>

THE TALKING PHONE BOOK CONTAINS OVER 3,400 UPDATED LISTINGS THAT DO NOT APPEAR IN THE BELL SOUTH DIRECTORY.

LET US EXPLAIN.

THE BELL SOUTH DIRECTORY CONTAINS INFORMATION DATING BACK SOME 30-60 DAYS PRIOR TO ITS PUBLICATION IN OCTOBER. THAT MEANS BELL SOUTH'S INFORMATION COULD DATE BACK TO AUGUST OR EARLIER.

THE TALKING PHONE BOOK'S LISTING INFORMATION WAS PURCHASED FROM BELL SOUTH IN DECEMBER. SO OUR BOOK IS SUBSTANTIALLY MORE CURRENT THAN BELL SOUTH'S.

WE COMPARED EVERY SINGLE LISTING IN OUR WHITE PAGES TO BELL SOUTH'S AND FOUND THE TALKING PHONE BOOK HAS OVER 3,400 LISTING CHANGES THAT DO NOT APPEAR IN BELL SOUTH.

THIS MEANS THE INDIAN RIVER COUNTY TALKING PHONE BOOK HAS THE MOST UP TO DATE AND CURRENT LISTINGS AVAILABLE TO INDIAN RIVER COUNTY CONSUMERS.

GO AHEAD... SEE FOR YOURSELF COMPARE OUR BOOK TO THEIR BOOK AND LET US KNOW.